

U.S. DISTRICT COURT
N.D. OF N.Y.
FILED

OCT 20 2008

LAWRENCE K. BAERMAN, CLERK
ALBANY

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

Criminal Action No.
08-MJ-283

v.

(Hon. Randolph F. Treece)

MAHMOOD HAMDARD,

STIPULATION AND ORDER
FOR ENLARGEMENT OF TIME

Defendant.

STIPULATION

It is hereby stipulated and agreed, by and between the defendant, MAHMOOD HAMDARD (by Lee C. Kindlon, Esq.), and Andrew T. Baxter, Acting United States Attorney for the Northern District of New York (by Thomas Spina Jr., Assistant United States Attorney), that the time within which an indictment must be filed under the provisions of Title 18, United States Code, Section 3161(b), be enlarged to and including sixty (60) days from the date of the signing of this Order and that time be excluded, pursuant to Title 18, United States Code, Section 3161(h)(8)(A), from the computation of the time within which an indictment must be filed under the provisions of Title 18, United States Code, Section 3161(b).

1. The chronology of this case is as follows:

a. Date of complaint: June 30, 2008

- b. Date of initial appearance: August 19, 2008
- c. Defendant custody status: The defendant is released subject to conditions.
 - i. Date United States moved for detention: N/A
 - ii. Date of detention hearing: August 19, 2008
 - iii. Date detention decision issued: N/A
- d. Prior enlargements of time and exclusions under the Speedy Trial Act: One
 - a. An order signed and dated on August 19, 2008 excluded the period of the time between said date and October 18, 2008.

2. The United States and the defendant have requested the continuance based on the following facts and circumstances:

- a. The parties are negotiating a state plea.

3. The parties stipulate and agree that the ends of justice served by granting this continuance outweigh the best interests of the public and the defendants in a speedy trial because the parties are negotiating a state plea.

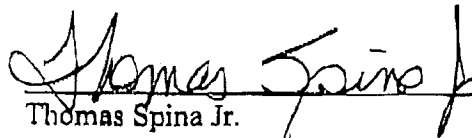
4. The parties stipulate and agree that the 60 day time period from the date of this order, to and including the trial date scheduled by the Court, shall be excludable under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(8)(A) and (h)(8)(B)(i), (ii) and (iv).

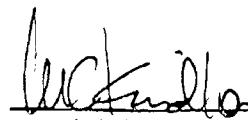
The undersigned attorneys affirm under penalty of perjury the accuracy of the facts set forth above and apply for and consent to the proposed order set forth below.

Dated: Oct 17, 2008

ANDREW T. BAXTER
Acting United States Attorney

By:


Thomas Spina Jr.
Assistant U.S. Attorney
Bar Roll No. 102653


Lee C. Kindlon, Esq.
Attorney for MAHMOOD HAMDARD
Bar Roll No.

ORDER

A. The Court incorporates into this Order the stipulated facts set forth above and hereby adopts them as findings.

B. The Court has considered its obligation under 18 U.S.C. § 3161(h)(8)(A) to determine whether a continuance serves the ends of justice in a manner that outweighs both the public interest and the defendant's rights. The Court finds that pursuant to 18 U.S.C. § 3161(h)(8)(A), the ends of justice served by granting the requested continuance outweigh the best interests of the public and the defendants in a speedy trial because this delay is necessary in order to allow the parties reasonable time to negotiate a disposition in a New York State court, taking into account the exercise of due diligence.

BASED ON THE STIPULATED FACTS AND THE COURT'S RELATED FINDINGS IT IS HEREBY ORDERED that the time within which an indictment must be filed under the provisions of Title 18, United States Code, Section 3161(b), be enlarged to and including sixty (60) days from the date of the signing of this Order and that time be excluded, pursuant to Title 18, United States Code, Section 3161(h)(8)(A), from the computation of the time within which an indictment must be filed under the provisions of Title 18, United States Code, Section 3161(b), because the ends of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial for the reasons stipulated above.

Dated: October 20, 2008


Hon. Randolph F. Treese
United States Magistrate Judge